



भारत सरकार / GOVERNMENT OF INDIA
पत्तन, पोत परिवहन और जलमार्ग मंत्रालय
MINISTRY OF PORTS, SHIPPING AND WATERWAYS

नौवहन महानिदेशालय, मुंबई
DIRECTORATE GENERAL OF SHIPPING, MUMBAI

File No: 20-11011/32/2021-TRG – DGS

Date: 18.10.2021

SUSPENSION ORDER

The Directorate had accorded approval to the MTI “M/s. Southern Academy of Maritime Studies, Chennai” (MTI No.402016), 82 Panappakkam, Chennai Thiruparthi Road, Uthukottai Taluk, District – Thiruvallur, Tamil Nadu – 601102 for conducting Pre-sea and Post-sea courses. The MTI belongs to the Trust M/s Sri Vekkaliyamman Educational and Charitable Trust 94 East Madha Church Street Royapuram, Chennai, Tamil Nadu. The present Trustees of the said Trust are 1. Shri. M Karthikeyan (S/o Shri Madurai Chettiar), 2. Mrs. Gnanasoundari (wife of Mr. M. Karthikeyan), 3. M/s. Southern Academy of Maritime Studies Pvt. Limited and 4. Mrs. P. Rajameenakshi (wife of Mr. Padmanabhan).

2. Whereas, several complaints were received at the Directorate against the subject Maritime Training Institute (MTI), most of which fall within the meaning of “Major Deficiency”. The Directorate vide letter no. 20/11011/32/2021-TRG-DGS dated 01.06.2021 issued inspection order of the Institute. Subsequently MMD, Chennai carried out inspection of the institute on 5th & 9th of August 2021.

3. Whereas, a copy of report of inspection with major and minor deficiencies has already been provided to SAMS, Chennai by the inspection team of MMD, Chennai. The inspecting team pointing out several lapses and violations from the part of the institute management, against the applicable DGS guidelines, many of which fall within the meaning “Major Deficiency” as per Section 5.3 and 5.5 of Part 5 of DGS Order No. 07 of 2016 and Section 5.3.1 and 5.3.2 of Part 5 of DGS Orders 05 of 2016 dated 01.11.2016.

These deficiencies were mainly related to the following:

- a. Severe inadequacy of faculty and conduct of classes using unqualified faculty.

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9वीं मंज़िल, बीटा बिल्डिंग, आई थिंक टेक्नो कैम्पस, कांजुर गाँव रोड, कांजुरमार्ग (पूर्व) मुंबई- 400042

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- b. Serious lapses in infrastructure including invalid land lease deed. Lease deed for the premises found expired.
- c. Non-availability of video records of practical training.
- d. Irregularities in attendance of faculty including the principal etc.
- e. Non compliance of CIP inspection.
- f. Institute functioning without Principal.
- g. Video recording of Virtual classes not found.
- h. The MTI has not paid 1% Annual fee to the Directorate as per the actual fee collected from the candidates.
- i. The institute has not provided Ship Board Training to all DNS candidates of previous batches as per the Guidelines.
- j. The conduct of course upon expiry of Registered lease deed: Knowing fully that registered lease agreement of the institute had expired on 1st February 2020, the institute continued to conduct the courses in violation of the applicable DGS orders, till such time the same was reported during the inspection on 5th August 2021. The justification for the failure to timely renew the deed on the pretext of Covidpandemic is not tenable, as the deed was expired before the pandemic and that the institute had ample time for executing the same (10yrs). Hence, notwithstanding the fact that the deed has been renewed post-inspection, the deficiency still remains as Major Deficiency as per para 5.3.1.7 of Part V of DGS Order 07 of 2021 and 6.4.1.1 of DGS Training Manual.
- k. Inadequacy of faculty: As per the list given by the institute, on the date of the inspection the institute was having only 3 Master Mariner, 1 Second Engineer, 3 Second officers, 2 fourth engineer and two instructors. It is evident from the list of faculties provided post inspection, that the institute is having less than 40% of required faculty strength and many are not even qualified as per the DG Order 5 of 2013.
- l. Faculty not meeting qualification as per DGS requirements: The faculty list provided by the institute shows that three of them are second officers and two are fourth engineers, who are not qualified as per the DGS guidelines. (Ref. DGS Order 05 of 2013 and respective course guidelines). Further the institute has even found to have made wrong submissions in the DGS system, claiming them as Chief Mates and Chief Engineers respectively. Hence the deficiency still remains as a Major Deficiency under 6.4.1.5 of DGS Training Manual.


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- m. Irregularities in Fees collection: The inspection report also reveals serious irregularities in collection of fees for various courses by the institute, much higher than the proportionate contribution has been submitted to the DGS. The explanation from the institute that the same is collected as Hostel / Mess / Book charges is not tenable, as DGS Trg. Circular 9 of 2013 has categorically defined /clarified the same. More seriously, the institute is collecting fees from various candidates in "cash" and is evidenced to have been engaging unauthorized agents for the same, notwithstanding clear instructions against this from the DGS vide Section 4.21 of DGS order 7 of 2016 and hence to be concluded as a Major Deficiency under 5.3.1.4 of DGS Order 7 of 2016.
- n. Serious lapses in the basic minimum infrastructure: The inspection report shows that many buildings in the campus have huge cracks and damages in the walls, ceiling, floors etc requiring urgent civil work and maintenance. The contention of the institute that the same was pending for rectification due to the Covid pandemic and that the repair work has been initiated post-inspection is not tenable, as the same deficiencies are evidenced to have been in existence much before the pandemic and have been reported even during the previous MMD inspection dated 3rd July 2018. Despite of this, the institute continued to conduct the courses with total disregard to the safety of the students and hence to be treated as a Major Deficiency under 6.4.1.7 of Training Manual 2018.
- o. Non-adherence to course guidelines: (a) the institute admitted that the swimming pool in the institute campus is not fit for the conduct of PST practical training and a new one is under construction. However, the institute has issued many certificates for Basic Safety Training course. The contention about the tie-up arrangement with M/s. Royal Swimming pool for the purpose is not acceptable as per applicable DGS Circular dated 15th March 2018 and further, the institute could not produce any evidence for having imparted practical training, as mandated by DGS guidelines. (b) Fire-fighting mock-up is reported to be fully corroded and wasted and unsafe for the conduct of practical trainings. The institute does not deny the present condition of the mock-up, but tries to put the blame for its poor condition on the vendor who constructed the same. Both these observations clearly establish that the institute has been conducting these practical training of the course in violation of the applicable DGS Guidelines or seriously compromising on the safety of trainees. Hence these observations

tantamount to be as a Major Deficiency under 6.4.1.9 of DGS Training Manual 2018, Training Circular 19 of 2020 and Training Circular 07 of 2016.

- p. Non-availability of video recordings of practical training imparted: The institute could not produce video recordings of the practical training or online classes of any of the courses. The contention of the institute that all the records have been destroyed in ransom ware attack only seems to be an afterthought excuse. Hence the same stands as a Major Deficiency under 6.4.1.6 of DGS Training Manual 2018, Training Circular 19 of 2020 and Training Circular 07 of 2016.
 - q. Serious non-conformities related with Quality System: Comprehensive Inspection Programme (CIP) is a mandatory requirement under DGS Order No. 4 of 2016, as a mechanism to ensure quality training and for facilitating grading based on the performance of the institute for the prospective candidates to have an informed choice of the institute. M/s SAMS has not undertaken any CIP inspection since for the year 2018. The institute could not provide any explanation for the same nor have they taken any corrective measure for undertaking the same even now. Hence the same stands as a Major Deficiency under 6.4.1.11 of Training Manual 2018 and DGS Order 04 of 2016.
 - r. Non-affiliation of Degree Programmes: As per para 1.5.2 of DGS Order 07 of 2016, for Nautical Science degree courses, the institute shall have affiliation from a recognized university. Presently, the institute does not have affiliation from a recognized University for conduct of B.Sc Nautical Science degree course, but only a collaborative arrangement with Alagappa University, which also is expired since 30th April 2021. Considering serious hurdles students would face in their future career progression for want of regular Degree from an affiliated University and further noting several complaints from various such trainees, this is to be treated as Major Deficiency under 6.4.1.9 of Training Manual 2018.
4. Whereas, the Directorate General of Shipping in compliance to the Hon'ble High Court Order dated 19.08.2021 has issued a letter dated 26.08.2021 to SAMS requesting to submit compliance report to the Directorate on the report of inspection of SAMS Chennai held on 05.08.2021 and 09.08.2021 by the inspection team of MMD, Chennai latest by 30.08.2021. The report of inspection where 34

deficiencies both major and minor identified by the MMD, Chennai has also been shared with the SAMS.

5. Whereas, the SAMS has submitted their reply vide email dated 30.08.2021 and annexures on 01.09.2021 to the Directorate General of Shipping. SAMS has submitted reply on 34 deficiencies identified by the inspecting team of MMD, Chennai.

6. Whereas, in compliance to the Hon'ble High Court Order the Director General of Shipping has offered an opportunity for a personal hearing on 03.09.2021 at 1500 hrs. Three representatives from SAMS Shri A. R. Krishnamurthy, Shri K.V. Sarvesnaran and Shri O.L.V. Ganesan appeared before the Director General of Shipping on 03.09.2021 and made submission on the deficiencies identified by the inspecting team of MMD, Chennai. The Director General of Shipping after hearing directed the representatives of SAMS to submit compliance report to the Principal Officer, MMD, Chennai so that they will further examine the same and submit their final report to the Director General of Shipping for final decision.

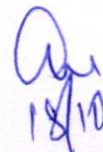
7. Whereas, as per the direction of the Directorate vide letter file No: 20-11011/32/2021-TRG – DGS dated 06.09.2021 SAMS was directed to submit compliance report to PO, MMD, Chennai latest by 09.09.2021.

8. Whereas, SAMS Chennai submitted the reply and supporting documents to the MMD Chennai on 8th Sept 2021.

9. Whereas, on the request of Institute personal hearing was extended to the institute on 13th Sept 2021 by the Principal Officer, MMD Chennai. The representatives of the institute and the members of the inspection team were present during the hearing. All the observations reported during the inspection and the reply given by the institute was discussed in detail during the hearing.

10. Whereas, the MMD, Chennai has scrutinized the reply received from the institute along with the additional records submitted on 14th September 2021 and observed that only 3 out of 34 reported deficiencies have been rectified.

11. Whereas, the Directorate has issued Show Cause Notice (SCN) to the MTI vide File No: 20/11011/32/2021-TRG- DGS dated 20.09.2021. The Inspection and Non-compliance report prepared by MMD, Chennai w.r.t. SAMS was earlier shared and subsequently the same has been enclosed with the SCN.



12. Whereas, MTI vide email /letter dated 23.09.2021 requested for additional 10 days' time to submit the reply to issued SCN. The Directorate examined the request of MTI for additional 10 days and the Competent Authority has acceded the request of MTI and allowed additional time to MTI to submit the reply on issued SCN latest by 03.10.2021. The Directorate issued letter vide File No: 20/11011/32/2021-TRG- DGS dated 30.09.2021 informing the MTI to submit reply to the issued SCN latest by 03.10.2021.

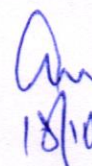
13. Whereas, the MTI vide email dated 03.10.2021 has submitted reply to the issued SCN. The reply has been examined by the Directorate and it was found that MTI has not submitted any additional compliance as compared to what they have submitted earlier to the PO, MMD, Chennai on 13.09.2021 which was examined and submitted by the MMD. Hence it is concluded that MTI has complied with only 3 out of 34 Non compliance as earlier reported by MMD, Chennai.

14. The MTI therefore has failed to give any credible reply to the serious major non-conformities mentioned in the SCN regarding poor maintenance and inadequacy of infrastructure, inadequacy and non-attendance of faculty, imparting training with unqualified faculty, lapses in rectification of deficiencies pointed out in earlier inspections etc, against "M/s. Southern Academy of Maritime Studies, Chennai" (MTI No. 402016) etc.

15. Now, therefore the undersigned, in exercise of the powers of supervision of maritime training as provided in Rule 75 of the Merchant Shipping (Standards of Training certification and Watch Keeping for Seafarers) Rule, 2014 notified under Section 78, 87, 88, 98, 456, 457 and 458 of Merchant Shipping Act, 1958, as amended, and in terms of para 5.5 of DGS Order No. 7 of 2016 and para 5.5 of DGS Order No. 5 of 2016 for the proceeding reasons spelt out, hereby direct SAMS the following:

15.1 M/s Southern Academy of Maritime Studies(SAMS), Chennai is directed not to admit any candidate to any new batches to any of the DGS approved courses, till such time all the deficiencies reported during the Inspection of the institute dated 5th & 9th August 2021 are rectified and verified & confirmed to the satisfaction of the Director General of Shipping.

15.2 The MTI shall remove all deficiencies and present the Institute for inspection to the MMD, Chennai within three months of the receipt of the order.

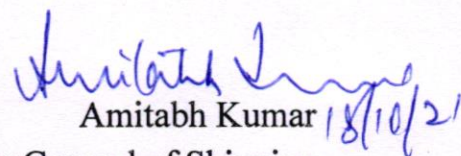


15.3 The MTIs online profile has been blocked so that MTI cannot upload any fresh batch details in the E-Governance system forthwith, till the compliance of para (15.1) above. The MTI can however, complete the ongoing courses for which the batch details are already uploaded online. All requirements issued by DGS from time to time, including faculty, attendance, videography etc. will have to be strictly complied with.

15.4 All approvals granted to the M/s Southern Academy of Maritime Studies (SAMS), shall remain temporarily suspended, till the compliance of para(15.1) above.

15.5 The MTI shall inform the status of it's suspension to all existing and prospective students till the suspension of the courses is revoked by DGS in writing.

Yours Sincerely,


Amitabh Kumar 18/10/21

(Director General of Shipping
&

Addl. Secretary to the Govt. of India)

To;
M/s. Southern Academy of Maritime Studies,
82 Panappakkam, Chennai Thiruparthi Road,
Uthukottai Taluk, District – Thiruvallur,
Tamil Nadu – 601102

Copy to:

1. The Principal Officer, MMD, Mumbai/Kolkata/Chennai/Kochi/Kandla
2. Registrar, IMU, Chennai.
3. Registrar, Anna University, Chennai.
4. Registrar, Alagappa University, Chennai
5. Guard File.